

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:22-CV-61553-DIMITROULEAS/HUNT

CRUZ VALDIVIESO FIGUERA,

Plaintiff,

vs.

ALL VIP CARE INC. AND  
LIZ VELAZQUEZ MCKINNON,

Defendants.

**PLAINTIFF'S PROPOSAL FOR SETTLEMENT**  
**TO DEFENDANT, ALL VIP CARE INC.**  
**(COUNTS III AND IV OF SECOND AMENDED COMPLAINT)**

Plaintiff, Cruz Valdivieso Figuera, through her undersigned counsel and pursuant to Fla. R. Civ. P. 1.442 and Fla. Stat. §769.79, makes the following Other Proposal for Settlement to Defendant, All VIP Care Inc., as follows:

1. This Proposal for Settlement is being made pursuant to Fla. Stat. §768.79 and Florida Rule of Civil Procedure 1.442.
2. The party making this Proposal for Settlement is Plaintiff, Cruz Valdivieso Figuera.
3. The party to whom this Proposal for Settlement is made is Defendant, All VIP Care Inc.
4. The total amount of the Proposal for Settlement is One Thousand Dix Hundred Dollars (\$1,600.00).
5. Defendant, All VIP Care Inc.'s acceptance of this Proposal for Settlement resolves Plaintiff's claims for Breach of Contract and Unjust Enrichment asserted at Counts III and IV of the Second Amended Complaint [ECF No. 22].

6. The only conditions of this Proposal for Settlement are that Defendant, All VIP Care Inc., deliver the amount of \$1,600 to the “FairLaw Firm Trust Account” within five business days of its acceptance, that Plaintiff, Cruz Valdivieso Figuera, releases Defendant, All VIP Care Inc., of all liability in connection with her claims for Breach of Contract and Unjust Enrichment asserted in ECF No. 22 in the above-styled action against Defendant, All VIP Care Inc., and that she shall date and file the Joint Notice of Voluntary Dismissal With Prejudice of Counts III and IV of the Second Amended Complaint [ECF No. 22] attached hereto as Exhibit “A” within three business days of receiving the payment contemplated by this Proposal for Settlement.

7. This proposal includes all claims for all alleged damages, including compensatory damages, and all attorney’s fees and/or costs claimed by Plaintiff, Cruz Valdivieso Figuera, in connection with Counts III and IV of the Second Amended Complaint [ECF No. 22].

8. This Proposal for Settlement shall not be filed with the Court unless for enforcement.

9. To accept this Proposal for Settlement, Defendant, All VIP Care Inc., must file a written acceptance with the Court within 30 days from the date of service set forth below.

10. No oral communications shall constitute an acceptance, rejection, or counteroffer of this Proposal for Settlement.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by email on this 14th day of September 2023, on Randy M. Goldberg, Esq., Florida Healthcare Law Firm, 151 NW 1st Avenue, Delray Beach, FL 33444, [RMGEsquire@gmail.com](mailto:RMGEsquire@gmail.com) and [Randy@floridahealthcarelawfirm.com](mailto:Randy@floridahealthcarelawfirm.com), as *Counsel for Defendants*, 44 W. Flagler Street, Suite 2200, Miami, Florida 33131, but will not be filed with the Court unless upon acceptance.

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# **EXHIBIT**

**“A”**

**EXHIBIT “A”**

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\_\_\_\_\_ /

**JOINT STIPULATION FOR RULE 41**  
**VOLUNTARY DISMISSAL OF COUNTS III AND IV**  
**OF THE SECOND AMENDED COMPLAINT WITH PREJUDICE**

Plaintiff and Defendants, through their respective undersigned counsel, stipulate to the voluntary dismissal of Counts III and IV of the Second Amended Complaint [ECF No. 22] **with prejudice** pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), with the rest of the case to remain pending.

Respectfully submitted on this \_\_\_\_ day of \_\_\_\_\_ 2023.

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